

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 23-cr-20062
Hon. Victoria A. Roberts

D-5 IBRAHIM SAMMOUR

Defendant.

EMERGENCY MOTION FOR TRAVEL AND
SUBSISTENCE AT GOVERNMENT'S EXPENSE

NOW COMES defendant, IBRAHIM SAMMOUR, by and through his counsel, Mark H. Magidson, and moves this Honorable Court pursuant to 18 U.S.C § 4285 for an Order directing the U.S. Marshall to furnish the Defendant fare for transportation from the Eastern District of Michigan to Denver Colorado to report for a psychological evaluation, and to pay for lodging and meals, and in support of this motion, states as follows:

1. Defendant, Sammour is charged in an Indictment with Count 1-Health Care Fraud Conspiracy pursuant to 18 U.S.C. § 1349.
2. Based upon behavior and conduct of Defendant, this Court *sua sponte* questioned Mr. Sammour's competency and ordered him to be psychologically evaluated at a Federal Facility.
3. The examination at Federal Facility requires a period of custody from 30-45 days in a Federal Prison.

4. Because Sammour believed that such a custodial detention violated his Due process rights he filed a motion challenging such a custodial examination, but in an order dated July 31, 2023, this Court denied his motion.
5. Mr. Sammour has received notice that he is to self surrender to the Federal Facility known as Englewood which is located in Littleton Colorado, a suburb of Denver by noon on August 8, 2023.
6. The Englewood Facility is approximately 1,278 miles from Detroit, about a 19 hour car ride.
7. Driving is not practical, but air travel is more expensive.
8. Since Defendant is unemployed, he is financially unable to provide the Airline transportation to appear in the to appear at the federal facility in Littleton, Co, nor is able to pay for a hotel or other miscellaneous expenses.
9. He has been provided counsel at public expense under the CJA due to limited resources.
10. His plan is to fly into Denver on August 7, 2023, stay at a hotel near the prison and then take a taxi or Uber to the prison, arriving prior to noon.
11. He is seeking a plane ticket to the Denver International Airport, one night at a hotel and meals and costs for transportation from the airport to the hotel and the cost of a taxi from the hotel to the prison.
12. The interest of justice would be served by ordering the U.S. Marshal to pay for the foregoing transportation and substance expenses.
13. The Assistant United States Attorney was contacted on August 1, 2023. The Government takes no position on the motion and defer to the discretion of the Court.

WHEREFORE, Defendant, respectfully requests this Honorable Court enter an Order directing the U.S. Marshal to pay for transportation, lodging and subsistence expenses.

Respectfully submitted

by: /s/Mark H. Magidson

Mark H. Magidson

Attorney for Sammour

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Dated: August 1, 2023

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UNITED STATES OF AMERICA,

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-vs-

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Hon. Victoria A. Roberts

IBRAHIM SAMMOUR,

Defendant.

**BRIEF IN SUPPORT OF MOTION FOR
TRAVEL AND SUBSISTENCE EXPENSES**

This Court has authority to order Defendant's fare hotel and subsistence expenses be paid pursuant to 18 U.S.C § 4285 which states as follows

Any judge or magistrate [magistrate judge] of the United States, when ordering a person released under chapter 207 [18 USCS §§ 3141 et seq.] on a condition of his subsequent appearance before that court, any division of that court, or any court of the United States in another judicial district in which criminal proceedings are pending, may, when the interests of justice would be served thereby and the United States judge or magistrate is satisfied, after appropriate inquiry, that the defendant is financially unable to provide the necessary transportation to appear before the required court on his own, direct the United States marshal to arrange for that person's means of noncustodial or furnish the fare for such transportation to the place where his appearance is required, and in addition may direct the United States marshal to furnish that person with an amount of money for subsistence expenses to his destination, not to exceed the amount authorized as a per diem allowance for travel under section 5702(a) of title 5, United States

Code. When so ordered, such expenses shall be by the marshal out of funds authorized by the Attorney General for such expenses.

Here, Defendant is not being ordered to appear at a court, but he is being ordered by the Court to appear at a location over 1200 mile away. This is in effect an order to appear and therefore these expenses should be paid.

WHEREFORE, the Defendant, Sammour respectfully requests the Honorable Court enter an Order directing the U.S. Marshal to pay for transpiration, hotel and Subsistence Expenses.

Respectfully submitted

by: /s/Mark H. Magidson

Mark H. Magidson

Attorney for Defendant Sammour

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Dated: August 1, 2023

CERTIFICATE OF SERVICE

I certify that on August 1, 2023 I electronically filed the above *Motion for Travel and Subsistence and Government's Expense* with the Clerk of the Court using the ECF system, which will send notification of such filing to the parties of record.

By: /s/Mark H. Magidson

MARK H. MAGIDSON (P25581)
Attorney for Sammour